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CYNTHIA MCMAHON
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10 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

11 CYNTHIA MCMAHON, on behalf of
12 herself, and all others similarly situated, and
the general public,

13 *Plaintiff,*

14 *v.*

15 TUESDAY MORNING, INC., a Texas
16 corporation; and DOES 1-100, inclusive,

17 *Defendants.*

18 Case No. 3:15-cv-03272-HSG

19
20 **REQUEST FOR DISMISSAL WITHOUT
PREJUDICE PURSUANT TO F.R.C.P.
41(a)(1)**

21 Action Filed: July 14, 2015
Judge: Hon. Haywood S. Gilliam

22 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

23 Plaintiff Cynthia McMahon hereby requests the following relief:

24 (1) That this case be dismissed without prejudice, pursuant to FRCP 41(a)(1).

25 Dismissal without prejudice under FRCP(a)(1) is proper because the opposing party has
26 not served an answer or a motion for summary judgment.

27 DATED: October 8, 2015

SETAREH LAW GROUP

28 By: /s/ Shaun Setareh
Shaun Setareh
Attorneys for Plaintiff
CYNTHIA MCMAHON